



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 18, 2000

### **S. 611** **Indian Tribal Federal Recognition Administrative Procedures** **Act of 2000**

*As ordered reported by the Senate Committee on Indian Affairs on September 6, 2000*

S. 611 would establish the Commission on Indian Recognition to review petitions for federal recognition made by Indian tribes, and to determine which tribes qualify for federal recognition. The bill also would authorize the Department of Health and Human Services to provide grants to assist tribes with preparing petitions. Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 611 would cost between \$3 million and \$4 million each year over the 2001-2005 period. Because enacting S. 611 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Based on information from the Bureau of Indian Affairs (BIA), CBO expects that the commission would consist of three members and about 20 full-time staff. CBO estimates that implementing S. 611 would cost about \$3 million a year over the next five years to support the commission, including the costs of leasing facilities, travel, salaries, and benefits. In addition, CBO estimates that implementing S. 611 would cost \$1 million a year for grants to tribes preparing petitions.

Under S. 611, the commission would do the work currently performed by the Branch of Acknowledgment and Research within BIA. Because S. 611 could reduce or eliminate the need for appropriations to support the branch, CBO expects the cost of the bill could be offset by a \$1 million annual reduction in funds appropriated to BIA. Any such savings, however, would be subject to future appropriation acts.

Under the bill, Indian tribes could no longer apply for recognition by the federal government after 2012. Consequently, CBO expects that implementing S. 611 may lead to an increase in the number of tribes that are recognized over the next several years. The recognition of tribes by the commission would not create an entitlement to existing federal programs that

benefit tribes; any assistance provided to newly recognized tribes would be subject to appropriation of the necessary amounts. In addition, S. 611 would make tribes eligible to receive compensation for attorney fees and costs if a tribe is denied recognition by the commission and subsequently granted recognition after a court appeal. This compensation would be paid by the Commission on Indian Recognition from funds made available in annual appropriation acts. CBO has no basis for predicting how many additional tribes would be recognized or the amount of any court costs that might have to be reimbursed.

The CBO staff contact for this estimate is Lanette J. Keith. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.